Adversary Case Opening

For Attorneys

Opening an Adversary proceeding involves entering the necessary information regarding the plaintiff, defendant, and basic statistical data. The complaint is incorporated into this process and will not need to be docketed separately. During the filing of this event (unlike the opening of a Bankruptcy Case), the attorney for the plaintiff must select himself/herself at the attorney selection screen. (Refer to Step 9, page 6)

STEP 1 Click the <u>Adversary</u> hyperlink on the CM/ECF main menu bar. (See Figure 1.)



Figure 1

STEP 2 Click on the <u>Open AP Case</u> hyperlink displayed on the **ADVERSARY EVENTS** screen. (See Figure 2.)



Figure 2

STEP 3 The CASE DATA screen displays. (See Figure 3.)



Figure 3

- ◆ The case number will be generated at the end of this process. Make sure you take note of it on the final screen.
- ◆ The current date is displayed next to **Date Filed**.
- ◆ The Case Type value is ap for adversary proceeding. There is no other selection.
- ◆ The Complaint field signifies the lead event for this proceeding. If you are filing something other than a complaint such as a Notice of Removal, select (n) for no.
- ◆ Click [Next].
- STEP 4 The LEAD CASE/ASSOCIATION TYPE screen appears. (See Figure 4.)



Figure 4

♦ Enter the **Lead Bankruptcy Case Number** in yy-nnnnn format, including the hyphen.

NOTE:

If the case number is invalid or if the lead case does not reside on this database, an error message, "YY-NNNN is not a valid case. Please enter a valid value." is generated. You will not be able to proceed with the case opening process. Research the reason for the error.

If you **do not** enter any number in the **Lead Case Number** field the system **will** allow you to proceed with case opening.

- ◆ The **Association type** defaults to Adversary. Other selections are Consolidated, Jointly Administered, and Related. Leave the default and click **[Next]**.
- The CASE ASSIGNMENT screen displays. Case assignment is based on the lead Bankruptcy case. (See Figure 5.)



Figure 5

◆ Click [Next].

STEP 6 The PARTY SEARCH screen appears. (See Figure 6.)

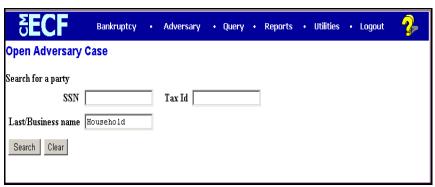


Figure 6

- Before adding a party, it is recommended that one search the database for the filer. One can search by Social Security Number, Tax Identification Number, Last Name or Business Name.
 - Enter the last name of the party to be searched. If this is a
 business filing, enter the first word of the name to search
 the database. The entire business name is stored in the
 Last/Business name field. The field size is 200 characters

Search Hints:

- Enter one field of data for each search.
- Format Social Security Number or Tax ID with hyphens.
- Include punctuation. (O'Brien, Zeta-Jones)
- Try alternate search clues if your first search is not successful.
- Partial names (minimum of two characters) can be entered.
- Wild cards (*) are not required at the end of search strings.
- Wild cards may be used before or within search strings. (*son, Gr?y)
- Do not search only by the asterisk * itself.
- ◆ Enter the plaintiff's last/business name and click [Search]. In Figure 6 we have entered the first word of the plaintiff's name (Household).

NOTE:

Do not use the asterisk * by itself as search criteria. If just the asterisk is used, the entire database will be searched and require unnecessary systems resources and may degrade response time.

STEP 7 The SEARCH RESULTS screen appears. (See Figure 7a.)



Figure 7a

NOTE:

If the designated party was already on the database, the Party Search Results screen would provide a listing of parties matching your search criteria. In that situation you would select the party by highlighting the name with your mouse and click on the [Select Name From List] button. (See Figure 7b.)

◆ In Figure 7b the only party on the database matching the search criteria was Household Finance. Since our party, Household Financial Services is not on the list, click the [Create New Party] button.

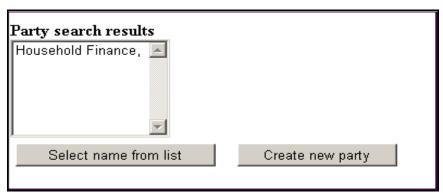


Figure 7b

NOTE:

Your name search may find more than one record having the same name as shown in **Figure 7c**. Clicking on each of the names will display a window showing the party's address information for verification.

If none of the addresses are correct for this party, you can either 1.) modify the address (for this case only) on the following PARTY INFORMATION screen, or 2.) click on the **[Create new party]** button to add a new person record with this address.



Figure 7c

STEP 8 The PARTY INFORMATION screen appears. (See Figure 8.)

◆ Enter the plaintiff's Name and Tax ID or SSN information in the appropriate boxes.

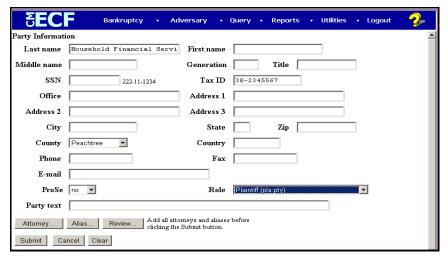


Figure 8

- Expand the Role Type selection pick list by clicking on the down arrow ▼ and select Plaintiff.
- ◆ The **Party Text** field is used for further party description, such as A California Corporation or Executor for the Estate of.... This information will appear on the caption of the docket report immediately after the party's name.
- ◆ Click on the [Attorney] button on the PARTY INFORMATION screen. (See Figure 8.)
- For adversary openings **ONLY**, you will need to add yourself as the attorney representing the plaintiff(s). Steps 9 11 will show how this is done.
 - Your attorney record already exists on the court's database in an attorney roll that is maintained by court staff.

The **ATTORNEY SEARCH** screen allows you to retrieve your attorney record by either State Bar ID or Last Name (or partial Last Name.) (See Figure 9.)



Figure 9

- ◆ This exercise illustrates how one could search for the attorney Heather Walker. The search clue entered in the Last name field is the first two letters (minimum required) of her last name.
- ◆ Click on [Search].
- STEP 10 The ATTORNEY SEARCH RESULTS screen will display all the matches for the search clue you entered. (See Figure 10.)



Figure 10

- ♦ Highlight your name with your mouse and click on [Select Name From List].
- STEP 11 The ATTORNEY INFORMATION screen displays the master attorney record from the court attorney roll. (See Figure 11a.)

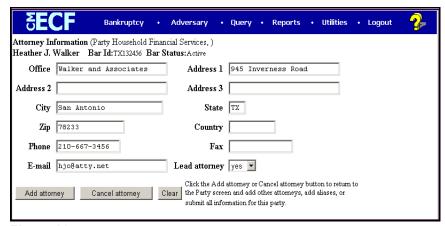


Figure 11a

- Your attorney record can accommodate only one address. If the address for this case is different, make the changes to this screen. This will change professional and mailing information FOR THIS CASE ONLY.
- ◆ After verifying this information, click [Add Attorney] to associate this record with your plaintiff.
- ◆ The main PARTY INFORMATION screen again appears. (See Figure 8.) At this time you could click on the [Review] button to verify attorney and alias information for this party. Figure 11b shows how this information is displayed.



Figure 11b

- Click on [Return to Party screen].
- ♦ When the Party Information screen appears again, click [Submit]

You have added the plaintiff and if there are no more plaintiffs, the next step is to add the defendant(s). The **PARTY SEARCH** screen will appear again for that purpose. (See Figure 12.)

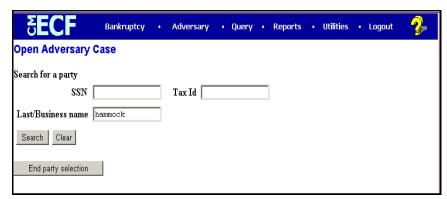


Figure 12

- ♦ Enter party information for the defendant Frank T. Hammock. Search by last name.
- When the **SEARCH RESULTS** screen appears, the party will be displayed because Frank Hammock is already a debtor on the bankruptcy case. (See Figure 13.)

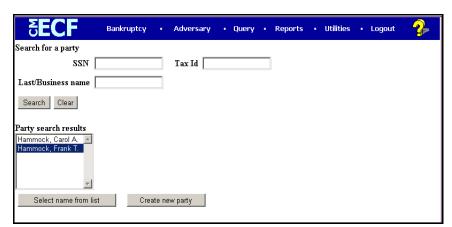


Figure 13

♦ Highlight the name and click on [Select name from list].

The **SEARCH RESULTS** screen appears next with this party's data and address as it is recorded in the database from the bankruptcy case. (See Figure 14.)



Figure 14

- Follow your court's procedures for addresses for defendants. You must select the Party Role by clicking on the ▼ down arrow for the Role field. Highlight Defendant and click on [Submit]. The defendant's attorney information will be added at a later time.
- ◆ The Party Search screen will reappear. Since the bankruptcy case we are using is a joint case, we would complete steps 12-14 again for the other party (Carol A. Hammock in this case). When all parties have been entered, click on [End Party Selection].
- The ADVERSARY STATISTICAL screen appears. (See Figure 15a).

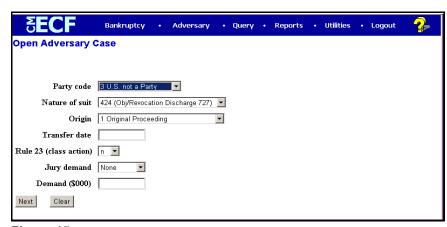


Figure 15a

Unless the US is a plaintiff or defendant in your case, accept the default US not a Party as shown in Figure 15b.

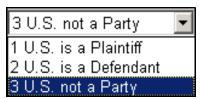


Figure 15b

◆ For our exercise select 454 (Recover Money/Property) as the Nature of Suit of the complaint from the list below (See Figure 15c.).



Figure 15c

- Only one suit can be selected during the opening of an adversary case.
- Multiple suits will be handled according to the direction of your court.

NOTE: If there are multiple suites and one is a 727 Objection to Discharge, it is important to enter 424 as the Nature of Suite here.

◆ The **Origin** code defaults to original proceeding. (**See Figure 15d.**) Accept the default. Other values are:

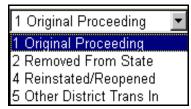


Figure 15d

- ◆ The default in the Rule 23 (Class Action) box is n. Change the default to y only if this is a Class Action suit.
- ◆ The default in the **Jury Demand** box is *n* (None). (See Figure 15e.)



Figure 15e

- For our case we will leave the default of None.
- ◆ **Dollar Demand.** If there is a dollar demand, enter the amount in thousands to the nearest thousand. For example, if the Dollar Demand is \$4550, \$5,000, or \$5499, you would enter 5 for \$5000, leaving off the 000. Since our Nature of Suit is Recover Money/Property we will enter **29** for \$29,000.00.
- Verify the data on your screen and then click [Next].

The PDF DOCUMENT SELECTION screen displays. (See Figure 16a.)



Figure 16a

- To associate the imaged document with this entry, select the PDF filename of the complaint you are filing.
 - Click [Browse]. In the File Upload screen change Files of type: to All files(*.*) then navigate to the directory where

the appropriate PDF file is located and select it with your mouse.

 To make certain you are about to associate the correct PDF file for this entry, right click on the filename with your mouse and select Open. (See Figure 16b.)

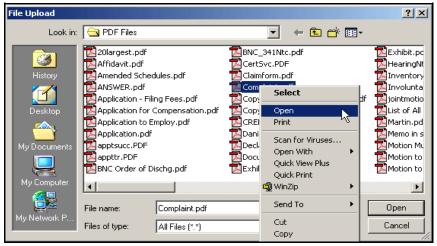


Figure 16b

- This will launch the Adobe Acrobat Reader to display the contents of the imaged document. Verify that the document is correct.
- Close or minimize the Adobe application and if that is the correct file, click [Open] on the File Upload dialogue box. (See Figure 16c.)

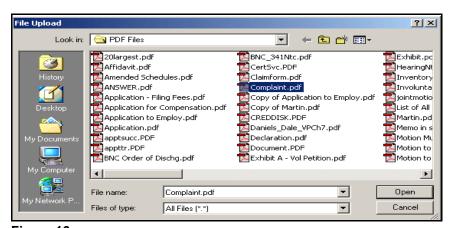


Figure 16c

◆ The PDF DOCUMENT SELECTION screen appears with the path and PDF document in the Filename box. (See Figure 16d.).

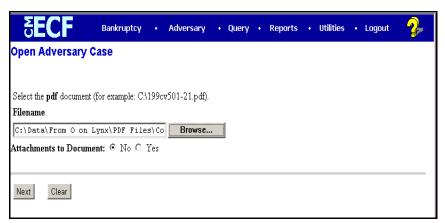


Figure 16d

- ♦ There will be no attachments in this exercise. Attachments will be covered in another lesson. Therefore, leave the radio button indicating No.
- ◆ Click [Next] to continue.
- STEP 17 The FILING FEE screen will display prompts for fee and receipt information. (See Figure 17.)



Figure 17

NOTE:

You may see a displayed message such as the one in figure 17 for **COURT USERS ONLY**: Disregard this message.

You will not know what the Receipt # is. Enter cc or CC in the Receipt # field to indicate payment by Credit Card or follow your courts direction for the entry here.

- ◆ The Fee Amount defaults to the amount of the complaint filing fee, \$150.00.
- ◆ Click [Next] to continue.
- The following screen may appear. (See Figure 18.) Click [Next].



Figure 18

STEP 18 The FINAL DOCKET TEXT screen displays. (See Figure 19.)

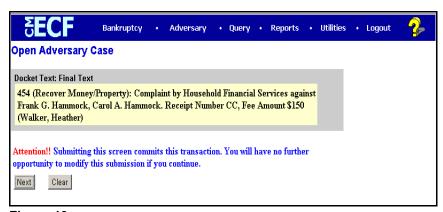


Figure 19

- Proof this screen carefully! No further editing in the case opening process is allowed after this screen. If Docket Text is correct, click [Next].
- ◆ If any part of it is incorrect, click the browser [Back] button to return to the screen you need to correct. Then process the screens again with the respective [Next] or [Submit] buttons.

NOTE: When an adversary case is opened, the complaint information is spread over to the main bankruptcy case. (The case number does not appear in the docket text.)

When the judgment is rendered, the ruling will also spread over to the main bankruptcy case.

NOTE:

To abort or restart the transaction at any time up until the final docket text screen, click the **Adversary** hyperlink on the **Menu Bar**.

STEP 19 The NOTICE OF ELECTRONIC FILING screen appears. (See Figure 20a.)

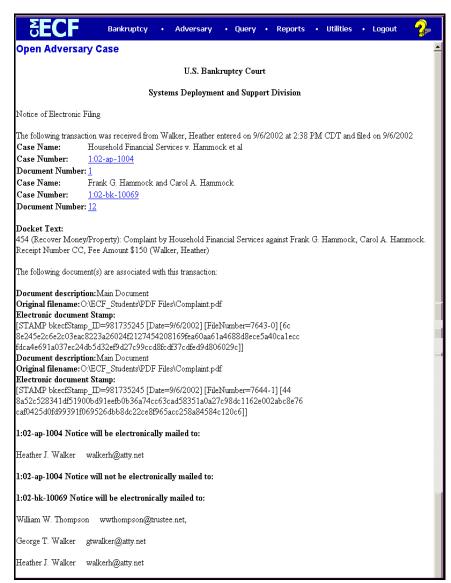


Figure 20a

- ◆ The Notice of Electronic Filing is the verification that the filing has been sent electronically to the court's database. It certifies that this is now an official court document.
- ◆ The case number is a hyperlink to the docket sheet and the document number is a hyperlink to the PDF document image. Clicking on either of these links will bring up the PACER login screen. (See Figure 20c). The case number of both this adversary and the lead bankruptcy case appear. This indicates that this complaint entry has spread to the bankruptcy case and will be available to anyone reviewing the Bankruptcy Docket report. The hyperlink to the imaged PDF complaint is also accessible from the bankruptcy case.
- ◆ To print a copy of this notice, click the browser [Print] icon.
- ◆ To save a copy of this notice, click [File] on the browser menu
- ◆ Trustee and Attorney users will have access to the Notice of Electronic Filing at the time of their filing. Subsequent access to any Query or Report programs must go through the PACER system. (See Figure 20c.)
- ◆ Further access to the Notice of Electronic Filing is available though the electronic docket report. When this option is selected, a bullet appears next to the document number of the event on the docket report. (See Figure 20b.) Clicking on this bullet will display a copy of this notice. Attorney users will be presented with a PACER login screen first. (See Figure 20c.)

Filing Date	#	Docket Text
09/06/2002	₃ 1	454 (Recover Money/Property): Complaint by Household Financial Services against Frank G. Hammock, Carol A. Hammock. Receipt Number CC, Fee Amount \$150 (Walker, Heather) (Entered: 09/06/2002)

Figure 20b

When a copy of the Notice of Electronic Filing is mailed to each subscriber on the case, the following message will display at the top:

NOTE TO PUBLIC ACCESS USERS

You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.

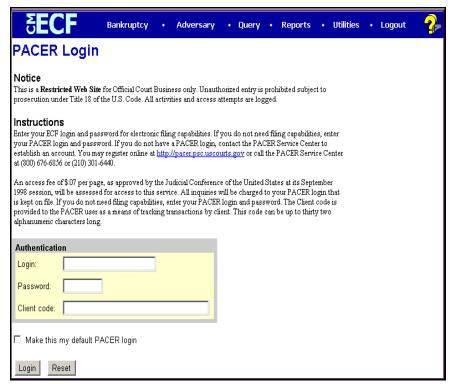


Figure 20c

Answer to Complaint For Attorneys

This process shows the steps and screens required for an attorney to electronically file the answer to a complaint in an adversary case. For this lesson, we'll assume that you are logged in to the CM/ECF system as the attorney George T. Walker.

STEP 1 Click on the <u>Adversary</u> hyperlink on the CM/ECF Main Menu Bar. (See Figure 1.)



STEP 2 The ADVERSARY EVENTS screen displays. (See Figure 2.)

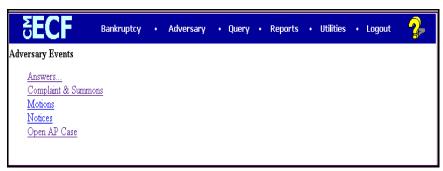


Figure 2

- ♦ Click on the <u>Answers...</u> hyperlink.
- STEP 3 The next screen lists two menu selections for Answers. (See Figure 3.)

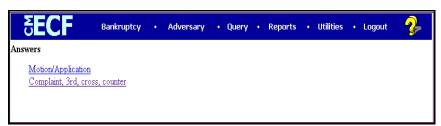


Figure 3

<u>Motions/Applications</u>, refers to documents filed in response to a motion or application, such as an objection, reply or response.

<u>Complaint, 3rd, cross, counter</u> refers to documents which are answers to a complaint, third-party complaint, cross-claim, or counterclaim.

For this lesson, we are docketing the answer to the original complaint, so click on <u>Complaint</u>, <u>3rd</u>, <u>cross</u>, <u>counter</u>.

NOTE: Third-party complaint, cross-claim, and counterclaims are covered later in this event.

The CASE NUMBER screen displays (See Figure 4). The system will display the number of the last case you accessed in this session.

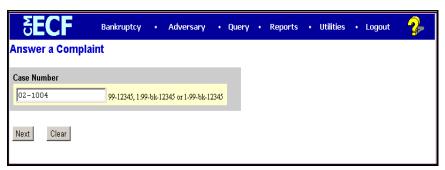


Figure 4

- ♦ If the displayed case number is the case number you want, just leave it entered. If it isn't, enter the desired **case number** in the format YY-NNNN.
- ◆ Click [Next].
- The system will then display a screen to verify the event and case you are docketing. (See Figure 5.)



Figure 5

- If you are filing this answer jointly with another attorney, click in the check box to indicate that. This will enable you to select the other attorney(s) later in this event.
- ◆ If the information is correct, click [Next].
- The **SELECT PARTY** screen appears and displays all of the parties currently in the case. (**See Figure 6.**)



Figure 6

- Click on the defendant(s) for whom this answer is being filed, then click [Next].
- The PARTY/ATTORNEY ASSOCIATION screen displays. (See Figure 7.)



Figure 7

- Although you have selected the party whom you are representing, the system doesn't automatically make that association.
 Therefore, you must click in the check box to create this link.
 Click in the check box, then click [Next].
- STEP 8 The Complaint screen displays next. (See Figure 8.)



Figure 8

- This screen shows the complaint (and possibly other related events) in the case. It allows you to link the answer to the complaint. Click in the check box to link the appropriate complaint, then click [Next].
- The PDF DOCUMENT screen will then be presented. (See Figure 9a.)



Figure 9a

- ◆ To associate the imaged document with this entry:
 - Click [Browse]. In the File Upload window change Files
 of type: to All Files (*.*) Navigate to the directory where
 the appropriate PDF file is located and select it with your
 mouse.
 - To make certain you are about to associate the correct PDF file for this entry, right click on the filename with your mouse and select Open. (See Figure 9b.)

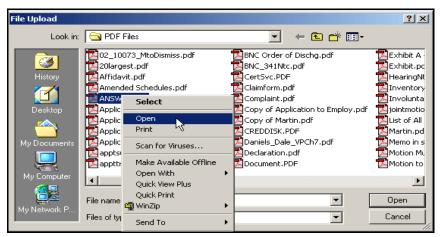


Figure 9b

- This will launch the Adobe Acrobat Reader to display the contents of the imaged document. Verify that the document is correct.
- Close or minimize the Adobe application and if that is the correct file, click Open on the File Upload dialogue box. (See Figure 9c.)

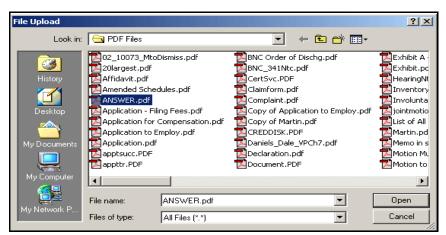


Figure 9c

 The system will enter the path and name of the PDF document selected into the Filename field. See (Figure 9d.)



Figure 9d

Click [Next].

The next screen provides secondary complaints to be addressed. (See Figure 10.) This screen provides the option of combining the answer with another claim.



Figure 10

- Indicate whether this answer includes a third-party complaint, a cross-claim, and/or a counterclaim by checking the appropriate box(es), then click [Next] to continue.
- ◆ If this answer contains no other claims, leave the check boxes unchecked and click [Next] to continue.

NOTE: If you check one of the check boxes, the system will lead you through entering the information regarding the new claimant.

STEP 11 The FINAL TEXT EDITING screen displays. (See Figure 11.)

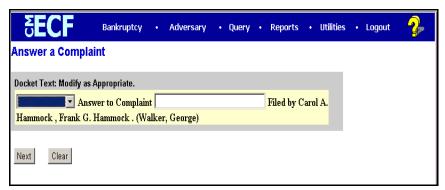


Figure 11

- Verify the accuracy of the docket text. This is what will print on the docket sheet. If the docket text has an error, click the browser's [Back] button at the top of the screen one or more times to access the screen on which the error was made, and correct the error.
- ◆ To abort or restart the transaction, click on the <u>Adversary</u> hyperlink on the **CM/ECF Main Menu Bar.** Although this can be done at any time, this is your last opportunity to change the event.
- ◆ If appropriate, select a prefix from the drop-down box and/or add text to the entry. Any text added here will appear in italics on the docket sheet. When the docket text is correct, click [Next] to continue.
- STEP 12 The FINAL DOCKET TEXT screen displays. (See Figure 12.)

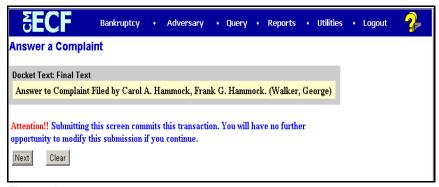


Figure 12

◆ Read the Attention!! message. If you are ready to submit this transaction click [Next].

STEP 13 The NOTICE OF ELECTRONIC FILING screen displays. (See Figure 13.)



Figure 13

- ♦ The Notice of Electronic Filing is the verification that the filing has been sent electronically to the court's database. It certifies that the answer has been submitted by the defendant(s).
- Clicking on the case number hyperlink, 1:02-ap-1004 (the case number may also appear as YY-NNNN as in 02-1004) will display the PACER login screen. After logging into PACER, the docket report screen will appear.
- Clicking on the document number hyperlink will display the PACER login screen. After logging into PACER, the PDF document will appear.
- To print a copy of this notice, click the browser [Print] icon or button.
- ◆ To save a copy of this receipt, click **File** on the browser menu bar and select **Save Frame As**.